

SENATE BILL 3195

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 8;
Section 8-21-701; Title 10; Title 36; Title 44; Title
45; Title 55; Title 56; Title 62; Title 67; Title 68;
Title 69; Title 70 and Chapter 660 of the Public
Acts of 2004, relative to fees and functions of the
office of county clerk.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-701, is amended by deleting the
section in its entirety and substituting the following:

8-21-701.

In addition to any other fees for services established by law, county clerks are entitled to
demand and receive for the following services the fees attached:

(1) For issuance of marriage license \$10.00

(2) For collecting and recording amounts from the business tax,
per return 7.00

Of the amount collected, two dollars (\$2.00) shall be earmarked for computer
hardware purchases or replacement, but may be used for other usual and necessary
computer related expenses at the discretion of the county clerk. Such amount shall be
preserved for these purposes and shall not revert to the general fund at the end of a
budget year if unexpended;

(3) For transfer of business license from one location to another 5.00

(4) For certifying a notary public's election to the secretary of state
pursuant to § 8-16-106..... 7.00

(5) For receiving and forwarding notice of notary public name change
or change of address pursuant to § 8-16-109..... 5.00

(6) For taking and recording official bonds and revenue bonds 2.00

- (7) For receiving and paying over state and county revenue, on the amount collected and paid over 5%
- (8) For ex officio services, the legislative body may make an allowance not exceeding 50.00
- (9) For attending to prosecution for penalties under provisions of the inspection laws, on sums collected and paid into the state treasury 10%
- (10) For services in the recovery of penalties prescribed against breach of revenue laws in relation to licenses, double fees.

- (11) For certifying a copy of a document or taking an acknowledgment or affixing seal 5.00
- (12) For making copies, per page50
- (13) For handling refunds of amounts overpaid up to 2.00

A county clerk shall adopt a policy establishing a procedure to be followed if the county clerk receives payments of taxes or fees in excess of the required amount, and that policy shall include one or more of the following:

- (A) Contacting the person or entity tendering the payment for specific instructions regarding the excess amount;
- (B) Allowing the county clerk's office to retain reasonable overage amounts as fees of the office; or
- (C) Providing a refund of the excess moneys, less a reasonable amount of the excess payment retained as fees of the office;
- (14) For issuance of permits and licenses for which fees are not otherwise provided 5.00
- (15) For filing documents for which fee is not otherwise provided 5.00

(16) For county clerks performing services as clerk of a court, the fees prescribed in part 4 of this chapter.

SECTION 2. Tennessee Code Annotated, Section 44-7-301, is amended by deleting the following language:

" , and the county clerk shall be allowed the sum of fifty cents (50¢) as fee for filing, recording, and making three (3) certified copies of the pedigree".

SECTION 3. Tennessee Code Annotated, Section 67-4-721(d)(2), is amended by deleting the language "and payment of a three dollar and fifty cents (\$3.50) recording fee for the new location" and substituting instead the following:

for the new location and payment of the fee set out in § 8-21-701.

SECTION 4. Chapter 660 of the Public Acts of 2004 is amended by deleting Section 5, which read:

Tennessee Code Annotated, Section 55-4-132(a), shall cease to be effective June 30, 2008, and on such date, the fee authorized in subsection (a) shall no longer be imposed or collected.

SECTION 5. Tennessee Code Annotated, Section 55-4-105, is amended by deleting the last sentence of subsection (c) and substituting instead the following:

Each county clerk may impose a fee of two dollars (\$2.00) for the service of handling mail orders of plates and decals.

SECTION 6. Tennessee Code Annotated, Section 55-4-115, is amended by deleting subdivision (a)(11) in its entirety. Tennessee Code Annotated, Section 55-4-115, is further amended by deleting from subdivision (a)(1) the words and figures "five dollars and fifty cents (\$5.50)" wherever they appear and substituting instead "ten dollars (\$10.00)". Tennessee Code Annotated, Section 55-4-115, is further amended by adding the following at the end of subdivision (a)(1): "The commissioner is authorized to prescribe by regulation the method by

which temporary operation permits shall be issued. In the event such permits are issued through the offices of the county clerks of the state, out of the of the ten dollar (\$10.00) issuance fee the clerks shall retain as compensation for services a fee of four dollars and fifty cents (\$4.50) and shall remit the remaining five dollars and fifty cents (\$5.50) to the commissioner."

SECTION 7. Tennessee Code Annotated, Section 55-4-117, is amended by deleting from subdivision (b)(3) the words and figures "one dollar and twenty-five cents (\$1.25)" and substituting instead "two dollars (\$2.00)".

SECTION 8. Tennessee Code Annotated, Section 55-4-201, is amended by adding a new subdivision (b)(5) which shall read as follows: "A handling fee of one dollar (\$1.00) payable to the county clerk upon issuance or renewal of any cultural, specialty earmarked, or new specialty earmarked license plate, except plates exempted from payment of fees under §55-4-203 or any other applicable provision of this part."

SECTION 9. Tennessee Code Annotated, Section 55-6-104, is amended by deleting from subdivision (2) the words and figures "fifty cents (50¢)" and substituting instead "three dollars (\$3.00)".

SECTION 10. Tennessee Code Annotated, Section 55-6-104, is amended by deleting the last sentence in subdivision (3). Tennessee Code Annotated, Section 55-6-104, is further amended by deleting the last sentence in subdivision (4).

SECTION 11. Tennessee Code Annotated, Section 55-6-101, is amended by deleting from subdivision (a)(1) the words and figures "five dollars (\$5.00)" and substituting instead "five dollars and fifty cents (\$5.50)". Tennessee Code Annotated, Section 55-6-101 is further amended by deleting from subdivision (a)(4) the words and figures "five dollars (\$5.00)" and substituting instead "five dollars and fifty cents (\$5.50)".

SECTION 12. Tennessee Code Annotated, Section 55-4-201(b), is amended by deleting subdivision (2) and substituting instead the following:

(2) An additional fee of thirty five dollars (\$35.00) to be paid by the applicant upon issuance and renewal, except as specifically provided otherwise by §55-4-203 or any other applicable provision of this part.

SECTION 13. Tennessee Code Annotated, Section 55-4-203, is amended by deleting subsection (d) and substituting instead the following:

(d) All other cultural, specialty earmarked and new specialty earmarked plates authorized by this part shall be issued upon the payment of a fee of thirty-five dollars (\$35.00) in addition to the regular registration fee, in accordance with the provisions of §55-4-201(b)(2).

SECTION 14. Tennessee Code Annotated, Section 55-4-211(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) In addition to the personalized plates authorized by §55-4-210, an applicant may, through the payment of a personalization fee of thirty-five dollars (\$35.00) in addition to the regular registration fee and the thirty-five dollar (\$35.00) fee established by §55-4-201(b)(2), obtain certain cultural, specialty earmarked and new specialty earmarked plates with a personalized combination of numbers, letters, positions or a combination thereof.

SECTION 15. Tennessee Code Annotated, Section 68-3-401, is amended by deleting subsection (f).

SECTION 16. Tennessee Code Annotated, Section 36-6-413, is amended by deleting the following sentence from subdivision (b)(2):

For each application for marriage, including an application from persons exempt from the sixty dollar (\$60.00) fee, a fee of two dollars and fifty cents (\$2.50) shall be paid to the county clerk for the services provided under this section.

SECTION 17. Section 8 of this act shall take effect on January 1, 2009, and the remaining provisions of this act shall take effect on July 1, 2008, the public welfare requiring it.